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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

ALPS PROPERTY & CASUALTY
INSURANCE COMPANY,

Plaintiff,

v.

KALICKI COLLIER, LLP; et al.,

Defendants.

Case No. 3:19-cv-00709-MMD-CLB

**STIPULATION TO EXTEND
DEADLINE IN REVISED DISCOVERY
PLAN AND SCHEDULING ORDER
FOR PARTIES TO SERVE
RULE 26(a)(2)(D) REBUTTAL
EXPERT DISCLOSURES**

(FIRST REQUEST)

Plaintiff ALPS Property & Casualty Insurance Company (“ALPS”), Defendants Kalicki Collier, LLP, John A. Collier, and James A. Kalicki (together, “KC Defendants”), and Defendant Robin Rumbaugh (“Rumbaugh” and together with ALPS and the KC Defendants, “Parties”), pursuant to LR IA 6-1, LR 7-1, LR 26-1, and LR 26-4, hereby stipulate and respectfully request the Court extend the deadline in the Revised Discovery Plan and Scheduling Order (ECF No. 62) regarding Fed. R. Civ. P. 26(a)(2)(D) rebuttal expert disclosures from September 3, 2020 to **September 24, 2020**.

1 As good cause and in support of this Stipulation, the Parties state:

2 (1) On April 3, 2020, the Court entered a Revised Discovery Plan and Scheduling
3 Order in this matter. (ECF No. 62). In the Revised Discovery Plan and Scheduling Order, the
4 deadline for initial expert disclosures under Fed. R. Civ. P. 26(a)(2) was July 23, 2020; the
5 deadline for the Parties to file Fed. R. Civ. P. 26(a)(2)(D) rebuttal expert disclosures is
6 September 3, 2020. (*Id.* ¶ 2).

7 (2) By correspondence dated July 10, 2020, the KC Defendants informed ALPS of
8 Defendant John A. Collier's intent to seek leave to file breach of contract and bad faith
9 counterclaims against ALPS. (ECF No. 80-6).

10 (3) On July 23, 2020, the KC Defendants served the Parties with their Rule 26(a)(2)
11 initial expert disclosures. (ECF No. 91-1).

12 (4) Prior to July 10, 2020, ALPS was not aware of the KC Defendants' intent to
13 seek leave to file a bad faith counterclaim against ALPS. The KC Defendants' motion for
14 leave to file counterclaims against ALPS (ECF No. 80) is fully briefed and pending before the
15 Court. Because a ruling on the KC Defendants' motion for leave to file counterclaims is not
16 expected prior to September 3, 2020, ALPS has been diligently preparing its rebuttal expert
17 disclosures and requires a few additional weeks to complete its disclosures. To that end, ALPS
18 requested the KC Defendants and Rumbaugh agree to a three-week extension on the deadline to
19 serve rebuttal expert disclosures, up to and including **September 24, 2020**. On
20 August 19, 2020, the KC Defendants and Rumbaugh agreed to the extension.

21 (5) This is the Parties' first request to extend the Rule 26(a)(2)(D) rebuttal expert
22 disclosure deadline. The three-week extension will not affect any other deadlines in the
23 Revised Discovery Plan and Scheduling Order.

24 WHEREFORE, the Parties respectfully request that the Court approve this Stipulation
25 and extend the deadline in the Revised Discovery Plan and Scheduling Order regarding Fed. R.
26 Civ. P. 26(a)(2)(D) rebuttal expert disclosures from September 3, 2020 to **September 24, 2020**.

Jointly submitted: August 19, 2020.

/s/ Brooke H. McCarthy

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IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: August 19, 2020

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/ Brooke H. McCarthy
Brooke H. McCarthy